

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**MINUTES OF PROCEEDINGS**

Date: January 19, 2023

**BEFORE JUDGE FRANCISCO A. BESOSA**

**CIVIL NO. 12-2039 (FAB)**

COURTROOM DEPUTY: Omar Flaquer-Mendoza

COURT REPORTER: Tracy Binder

COURT INTERPRETER: Sonia Crescioni

INTERPRETER FOR Defendants: Lynmar Vera

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**UNITED STATES OF AMERICA**

Plaintiff,

v.

**COMMONWEALTH OF PUERTO RICO, et al.**

Defendants.

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An in-Person Status hearing held as ordered at ECF No. 2267. The hearing began at 9:38 a.m. and ended at 12:38 p.m.

The following persons were present at the hearing:

1. Federal Monitor John Romero and team:
  - a. Samantha Rhinerson
  - b. Scott Cragg
  - c. Donald Gosslin
  - d. Rafael Ruiz

- e. Merángelie Serrano
  - f. Alan C. Youngs
  - g. Luis Hidalgo
  - h. Hipólito Castro
  - i. Javier González
  - j. Rita Watkins
- 2. Special Master Dr. Alejandro Del Carmen and team:
    - a. Gilberto Balli, Assistant to Special Master
    - b. Gary A. Loeffert, Second Assistant Special Master
  - 3. For Plaintiff United States of America:
    - a. Trial Attorney Luis Saucedo
  - 4. For Defendants Commonwealth of Puerto Rico and the Puerto Rico Police Bureau:
    - a. Counsel Gabriel A. Peñagaricano.
    - b. Counsel Rafael E. Barreto-Solá
  - 5. Office of the Governor (“La Fortaleza”)
    - a. María Del Mar Ortiz, Esq., Special Counsel to the Governor
    - b. Enrique Volckers, Deputy Chief of Staff
  - 6. Office of Management and Budget (“OMB”)
    - a. Hecrián Martínez, Chief Counsel and liaison on police reform matters
  - 7. Puerto Rico Innovation and Technology Service (“PRITS”)
    - a. Nanette Martínez-Ortiz, Acting Information, and Innovation Officer (“CIIO”), and Technology Officer (“CTO”) for the Commonwealth of Puerto Rico

8. General Services Administration (“GSA”)

- a. Edgardo González, Assistant Administrator for Service to the Agencies

9. Office for the Administration and Transformation of Human Resources (“OATHR”)

- a. Gustavo Cartagena, Director

10. Department of Public Safety (“DPS”)

- a. Hon. Alexis Torres, Secretary, and the Governor’s representative for police reform matters

- b. Rafael Riviere, Deputy Secretary

- c. Arturo Garfer, Assistant Secretary

- d. Miguel E. Bermúdez Mangual, Special Advisor, Federal Affairs Office

- e. José Díaz, Executive Director, Federal Affairs Office

12. Puerto Rico Police Bureau (“PRPB”)

- a. Commissioner Antonio López

- b. Captain Carlos Figueroa then Director, Reform Office

- c. Juan Carlos Rivera, IT Bureau Director

- d. Ángel Díaz, IT Bureau Deputy Director

- e. Lieutenant Rafael Meléndez Burgos, Director of Internal Affairs (SARP)

- f. Lieutenant Colonel Rolando Trinidad Hernández, Current Director of the Reform Office

- g. Karilyn Díaz León, Esq., Chair of the PRPB Promotion Examination Board

13. FOMB

- a. Kevin Borja, Senior Associate Analyst on Public Safety Matters

The following topics included in the Order Scheduling Status Conference, ECF No. 2267 were discussed:

**A. *Overview of CMR-7 Report.*** On December 15, 2022, the Federal Monitor submitted the Seventh Report, ECF No. 2264. On January 16, 2023, the Commonwealth submitted the PRPB's response to the Monitor's final CMR-7, ECF No. 2290. The Monitor provided a brief overview of the report, and summarized PRPB's overall status compliance as of September 30, 2022. The report identified eleven (11) areas for improvement, enhancement, or reform in PRPB. 1. Professionalization; 2. Use of Force (UOF); 3. Searches and Seizures; 4. Equal Protection and Non-Discrimination; 5. Recruitment, Selection and Hiring; 6. Policies and Procedures; 7. Training; 8. Supervision and Management; 9. Civilian Complaints, Internal Investigations, and Discipline; 10. Community Engagement and Public Information; and 11. Information Systems and Technology.

**B. (i) *The Sergeant Exam Administered on December 17, 2022.*** The Commonwealth informed that a total of 1,414 candidates took the exam to fill the 562 positions available to be promoted to Sergeant. Funding is available for 506 positions. Ms. Karilyn Díaz León, Esq., Chair of the PRPB Promotion Examination Board, informed on how the board created a new policy and how it worked in accordance with the new policy and how the candidates were graded. To maintain transparency, neither the Commissioner nor the Secretary were involved. Of 183 possible questions, 80 were on the exam. The Board determined that 6 questions in the exams were either flawed or considered "memory questions" and were not adjudicated. 70 percent was necessary to

pass the exam. A total of 562 candidates passed the exam with the 6 questions having not been adjudicated. The Monitor, as instructed by the Court, reviewed the Board's development, administration, and the scoring of the exam. The Monitor also reviewed and agreed that the 6 questions that the board determined were flawed were indeed flawed. In addition, the Monitor's Office determined that the Board's actions throughout the process were consistent with the Bureau's Policy. Commissioner López stated that for future exams, the Board recommended questions be first discussed with the Secretary and the Commissioner. Commissioner López agreed with the exam as given, and in the best interest of transparency, that the Commissioner and the Secretary be kept separated from the Board when questions are evaluated and determined to be included in the exam. Secretary Torres agreed with the recommendations made by the Board that the 6 flawed questions not be considered during the grading of the exam, and agreed that the Board findings of the exam, and that for future exams, the Commissioner and the Secretary be informed before any adjudication is made. The United States was also in agreement that the 6 flawed questions not be adjudicated. The Court, after having heard the arguments presented as to this topic, ordered the parties to prepare a joint motion with a proposed detailed order for the Court to enter an order that the 6 flawed questions not be adjudicated.

***ii. The PRPB Staffing and Supervision Plan.*** The Commonwealth informed that the supervision plan was approved in April 2022, and that it covered its most important initiative, the promotions to Sergeant. There are 6 total initiatives in progress, including recruiting civilians for administrative positions to allow officers to work in the field. In

this area, the Commonwealth is still having difficulties to classify those civil positions, and time may be required to determine on how potential candidates would be able to compete to fill those vacancies.

**iii. The PRPB Training Plan.** The Commonwealth informed that parties have discussed the interconnection of training to the different aspects of the consent decree. The Training Plan was submitted in draft form on December 22, 2022. A new draft incorporating comments will be submitted no later than February 10, 2023. The United States informed that they have received the draft. A final plan should be presented to the Court within thirty (30) days thereafter once all parties have revised the final draft.

**iv. The Draft Information Technology Action Plan.** The Commonwealth informed that this topic has been previously covered. The United States indicated that seven (7) high priorities have been identified of which two (2) are data networks and radio coverage. That every single officer has a radio that properly works for the officers to be able to communicate with each other still remains a priority. In addition, there are also problems with radio coverage. Two (2) additional initiatives, IT resourcing and training, need to be improved to increase the capacity of the IT Bureau. Analytics, reporting and RMS Maturity, record management system maturity remain as initiatives. The Plan as to those initiatives is expected to be ready by March 15, 2023, and the Final Plan is expected to be submitted to the Court by March 31, 2023.

**C. Equitable Sharing Program:** The United States informed that this program is currently suspended while the office within the PRPB that manages the program reviews accounting, reporting and the management of the funds. EMLARS, the office within

the U.S. Department of Justice, reported that PRPB is not yet in good standing, but progress has been made. EMLARS personnel will visit the Puerto Rico Treasury Department next week to determine and resolve all pending issues to ensure that PRPB complies with the program, to get it back in good standing. By the end of fiscal year, June 30, 2023, the balance as reported by EMLASRS is \$4.5 million in the DOJ account, and almost \$3 million in the Puerto Rico Treasury account. The Monitor's Office and the Special Master will be invited to participate in the meeting at the Treasury Department. The Court instructed the parties to inform it of the result of the meeting.

***D. Integrity Audits.*** As stated by the United States, the policy is still pending. The United States received a date when the policy will be available, and when it will be available to the Special Master to go through the Paragraph 229 process for review and approval by all the parties.

S/ Omar Flaquer-Mendoza  
Omar Flaquer-Mendoza  
Case Manager/Courtroom Deputy Clerk to  
Hon. Francisco A. Besosa,  
Senior U.S. District Judge